



Code of Practice on Freedom of Speech

July 2024



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Preamble

Please note that this Code continues to be in place despite UK Government plans to stop further commencement of the Higher Education (Freedom of Speech) Act.

The requirement for the College to issue a Code of Practice on Freedom of Speech is a new statutory duty within the Higher Education (Freedom of Speech) Act 2023, the relevant sections of which are expected to come into force from 1 August 2024.

This new Code of Practice on Freedom of Speech has been drafted by the University in consultation with the Conference of Colleges Secretariat and the Freedom of Speech Task and Finish Working Group.

The draft takes into account the requirements of the Higher Education (Freedom of Speech) Act 2023 and the Office for Students' [proposed regulatory advice](#) (currently under consultation). It should be read in conjunction with the new draft Freedom of Speech Complaints Procedure (Annex A), which will be finalized following awaited feedback from the Office for Students.

The draft new Code is not intended to signal any change to the College's pre-existing position that freedom of speech and academic freedom are central tenets of College life and must be robustly protected. However, as required by the Act, it clearly sets out:

- The College's values relating to freedom of speech;
- procedures for staff and students (including College Common Rooms and Societies) to follow in connection with the organisation of meetings and other activities;
- the standard of conduct required in connection with any such meeting or activity;
- the criteria to be used in deciding whether to allow the use of premises and on what terms, including the criteria for determining if there are exceptional circumstances in which the costs of security for using the premises might be passed on to those arranging the relevant activity or meeting.

The new Code retains what is believed to be the most established decision-making structure for meetings and events in Colleges, entrusting the decision-making to the College Senior Tutor, Bursar, and, where appropriate, the Senior Management Team. The drafting proceeds on the basis that the College will always aim to allow an event to go ahead, provided that it is within the law and does not pose unacceptable risks to individuals.



Code of Practice

The following Code of Practice on Freedom of Speech was approved by the Trustee Board on **TBC**. It supersedes the regulation dated November 2023 previously in place here: [Freedom of Speech](#).

1. Introduction

1.1 This Code of Practice sets out Linacre College's values and expectations relating to freedom of speech and academic freedom and how these values and expectations are applied to College activities.

1.2 Freedom of speech means the freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images (including in electronic form).

1.3 Academic freedom, in relation to academic staff at the College, means their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, including their opinions about the College, without institutional censorship and without placing themselves in jeopardy of losing their jobs, privileges or membership of the College.

1.4 For the purpose of this procedure, and in line with other College regulations, the following definitions apply and are used:

- “College premises” mean all land, buildings, facilities, and other property in the possession of, or owned, leased, used, supervised or controlled by the College.
- “Member of the College”, includes the current Principal and any other College office-holder, current Fellow, current student, employee of the College and Continuing Member;
- “Student Member” includes any person who is registered or enrolled at the College for a degree or diploma or otherwise, whether matriculated or not;
- “Visiting Speaker” is a person who has been invited to speak at the College by a member, acting in their capacity as a member.

2. Legislative Framework

2.1 The legal duty of UK universities to protect free speech and academic freedom is enshrined in the Higher Education and Research Act 2017, as amended by the Higher Education (Freedom of Speech) Act 2023 (the “Act”). Freedom of speech is also protected under Article 10 of the European Convention on Human Rights



which has effect in the UK through the Human Rights Act 1998. Academic freedom is also protected under the Education Reform Act 1988.

2.2 Part A1 of the Act states that:

1. The governing body of a registered higher education provider must take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective in subsection (2).
2. That objective is securing freedom of speech within the law for:
 - a) staff of the provider,
 - b) members of the provider,
 - c) students of the provider, and
 - d) visiting speakers.
3. The objective in subsection (2) includes securing that:
 - a) the use of any premises of the provider is not denied to any individual or body on grounds specified in subsection (4), and
 - b) the terms on which such premises are provided are not to any extent based on such grounds.
4. The grounds referred to in subsection (3)(a) and (b) are:
 - a) in relation to an individual, their ideas or opinions;
 - b) in relation to a body, its policy or objectives or the ideas or opinions of any of its members.
5. The objective in subsection (2), so far as relating to academic staff, includes securing their academic freedom.

2.3 Part A1 (8) and (9) also require the College, having particular regard to the importance of freedom of speech, to take reasonably practicable steps in order to secure that, where a person applies to become a member of academic staff of the provider, the person is not adversely affected in relation to the application because they have exercised their academic freedom.

2.4 Part A2 of the Act states further that the governing body must maintain a code of practice setting out certain matters related to freedom of speech, which are addressed in this document.



3. Values

3.1 Freedom of speech and academic freedom are central tenets of College life and must be robustly protected.

3.2 In all its activities, the College seeks to:

- 1) secure and promote civic and academic freedoms including freedom of speech;
- 2) ensure a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context; and
- 3) foster a culture of openness and inclusivity, in which members of our community engage with each other, and the public, in debate and discussion, and remain open to both intellectual challenge and change.

3.3 Inevitably, this will mean that members of the College are confronted with views that some find unsettling, extreme or offensive. The College believes that a culture of free, open and robust discussion can be achieved only if all concerned engage critically but courteously with each other.

3.4 Within the bounds prescribed by law, all voices or views which any member of our community considers relevant should be given the chance of a hearing. Wherever possible, they should also be exposed to evidence, questioning and argument. As an integral part of this commitment to freedom of expression, we will take steps to ensure that all such exchanges happen peacefully and respectfully. With appropriate regulation of the time, place and manner of events, members of our community should have no reasonable grounds to feel intimidated or censored.

4. Conduct

4.1 The College is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the College community are respected. In accordance with the terms of its [Policy and Procedure on Harassment](#), the College does not tolerate any form of harassment or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.

4.2 Peaceful protest is a legitimate expression of freedom of speech. However, such protest must not shut down debate. The respect which the College expects all members of the College community to demonstrate towards each other is particularly important where it comprises respect for the right of others to speak freely and exercise their academic freedom.



4.3 Complaints about the behaviour of individuals should be made under the appropriate procedure:

- a) Complaints about staff members should be made under the College's [Policy and Procedure on Harassment](#) as set out above;
- b) Complaints about students should be made under the [College's Non-Academic Disciplinary Procedure](#), or the College's [Policy and Procedure on Harassment](#), depending on the specific situation and complaint;
- c) Complaints about others should in the first instance be made to the Principal of the College.

4.4 Complaints that arise in the University context (i.e. in the course of University activity or on University premises) should normally be made to the University.

4.5 All activity must be risk assessed and planned in accordance with the College's [Health and Safety Policy](#) and the Events Booking Procedures that can be obtained from the Domestic Operations Manager.

5. Procedures

5.1 The Act requires that this Code of Practice sets out procedures to be followed in connection with the organisation of meetings and other activities at Linacre College.

5.2 The College confirms that its academic activities, policies and procedures reflect its duties to ensure, so far as is reasonably practicable and having particular regard to their importance, freedom of speech and academic freedom within the law.

5.3 This Code of Practice therefore applies to the College procedures to be followed by members (including College Common Rooms and Societies) when organising any activities that relate to academic life, whether those activities take place on or off College premises, including activities relating to: admission, appointment, reappointment, employment and promotion of staff, disciplinary matters, equality, diversity and inclusion, harassment and bullying, IT, social media, Prevent duty, academic integrity in research, speaker events, staff and student codes of conduct.

5.4 In making any decision under any of these procedures or otherwise, or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, the College will take into account:

- a) the importance of academic freedom (as required e.g. by the Education Reform Act 1988 and the Act);



- b) the need to take reasonably practicable steps, having particular regard to the importance of freedom of speech, to ensure that freedom of speech within the law (including academic freedom) is secured (as required e.g. by the Act);
- c) the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
- d) the Public Sector Equality Duty which requires universities to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity, and foster good relations between different groups; and
- e) the [Counter-Terrorism and Security Act 2015](#) which requires universities to ‘have due regard to the need to prevent people from being drawn into terrorism’ (section 26 (1)) and which also provides that ‘when carrying out the duty imposed by section 26 (1)’, universities ‘must have particular regard to the duty to ensure freedom of speech; and to the importance of academic freedom.’

5.5 A breach of this Code may lead to disciplinary action being taken under the appropriate College procedure (including staff disciplinary procedures for staff or the relevant student disciplinary procedure for students).

5.6 Complaints that the College has breached its duties in relation to freedom of speech under the Act may be raised by any of the individuals listed in section 2.2(2) and 2.3 above. Complaints may also be brought by a person who was formerly within one of those categories, where their complaint relates to events which occurred while they had that status and which impacted them in that capacity. The appropriate procedure for raising such complaints is as follows:

- a) complaints by members of staff which are related to other complaints and/or form part of an existing complaint, and/or fall under the scope of another staff procedure, should be raised within the procedure associated with those other complaints;
- b) complaints by students which are related to other complaints and/or form part of an existing complaint, should be raised within the procedure associated with those other complaints (e.g. the Student Complaints Procedure or the Harassment Procedure, etc.);
- c) other complaints covered by this Code should be raised under the ***Freedom of Speech Complaints Procedure***, as set out in Annex A.

On receipt of any such complaint, the College will consider the most appropriate procedure to be followed, in consultation with relevant colleagues and the complainant, and in some cases they may refer the matter to be considered under a different, more appropriate procedure.

5.7 The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and



(actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its [website](#).

6. College Meetings and Events

6.1 Through the implementation of this Code, the College takes reasonably practicable steps to ensure that freedom of speech within the law is secured within its community and that the use of its premises and services is not inappropriately denied to any of the persons listed in section 2.2(2) and 2.3 above on any ground connected with their beliefs or views or the policy or objectives of a body of which they are a member. The College acts in a risk-based and proportionate manner and will always aim to allow an event to go ahead, provided that it is within the law and does not pose unacceptable risks to individuals and will work with the organisers towards this goal. Cancellation of events is undesirable and should be exceptional.

6.2 Members, (including Common Room and College societies) of the College who are organising meetings or events (including those that take place online) or who are responsible for administering external bookings of College premises, are responsible for assessing those meetings and events in the context of this Code, the College Speaker Events Booking Procedures, and other relevant College policies. Where there are concerns that the meeting or event:

- a) may give rise to an environment in which people will experience, or could reasonably fear, discrimination, harassment, intimidation, verbal abuse or violence, particularly (but not exclusively) on account of their age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation;
- b) is likely to pose a risk to the safety of those lawfully on College premises; or that it may prompt a risk to public safety

the procedure outlined in sections 6.3-6.13 below should be followed. If organisers are in any doubt or have any questions or need further information, they are encouraged to discuss the situation with the Senior Tutor or Bursar in the first instance, and then seek advice, as appropriate, from the University Security Services, Domestic Operations Manager or Director of Estates. No meeting or event which a student (including the Common Room and College societies), a Fellow, the Principal, or employee is proposing to be held on College premises may be refused, cancelled or altered as a result of the beliefs or views or the policy or objectives of any of the persons listed at 2.2(2) or 2.3 above save as a result of consideration by the Senior Tutor and / or Bursar.



6.3 The meeting or event should be formally notified to the Senior Tutor and / or Bursar in accordance with College Speaker Events Booking Procedures Form. The form must be completed and submitted at least seven working days before the event is scheduled to be held.

6.4 In the context of this Code, the Senior Tutor and / or Bursar is entrusted with the duty to assess the implications of events formally referred to them and to act in accordance with the College's legal responsibilities, including the conduct and procedures set out in this Code.

6.5 On receipt, the case will be assessed by the College Senior Tutor and / or Bursar who may consult with the College Senior Management Team where necessary. The starting point for the Senior Tutor and Bursar considering a particular event will be that the event should be allowed unless there are compelling and exceptional reasons for it not to proceed.

6.6 As required by section 12 of the Terrorism Act 2000, the Senior Tutor and / or Bursar will not give permission to hold a meeting or event where it is known that:

- a) the proposed speaker belongs to, or professes to belong to, a [proscribed organisation](#); or
- b) the proposed speaker will use the event to support, or to further the activities of, a proscribed organisation.

6.7 In exceptional circumstances, it may be reasonable to refuse permission for a College meeting or event where the Senior Tutor and / or Bursar reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the College or otherwise) that:

- the views likely to be expressed by any speaker are contrary to the law;
- the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
- the meeting is likely to include the expression of viewpoints that are reasonably believed to be highly controversial and/or offensive and the organisers will not permit contrary or opposing viewpoints to be held or expressed;
- the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations; or
- it is in the interest of public safety, the prevention of disorder or crime, that the meeting does not take place.

6.8 The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a College meeting or event.



6.9 Where the College is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on College premises is likely to give rise to disorder or threats to the safety of participants or the wider College community, they shall consider what steps it is necessary to take to ensure the safety of all persons and the security of College premises. This might include postponing or relocating a meeting or event or imposing conditions. The responsibility for fulfilling these conditions rests with the organisers.

6.10 Except as set out in 6.11 below, the College will consider covering, or contributing to, the required costs of security for using the College's premises for a meeting or event falling under this Code of Practice. This will be considered by the Director of Estates, Domestic Operations Manager and Bursar on a case-by-case basis.

6.11 The College will not cover the costs of security for using the relevant premises in the exceptional circumstances that the cost of security exceeds reasonable parameters or where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold. The College will also not cover the security costs for using the relevant premises for individuals who do not fall within the categories listed at 2.2(2) above.

6.12 In the exceptional event that security costs are to be passed on to the organiser of the event, the College will supply the organiser of the event with a clear written summary of its calculation of the expected security cost and an explanation for this calculation.

6.13 In the exceptional event that the College Senior Tutor and / or Bursar considers that the risks cannot be mitigated by the imposition of conditions, or the organiser(s) refuse(s) to comply with the College's conditions, the College Senior Tutor and / or Bursar has the right to cancel the meeting or event and they may do so even if the relevant College procedure has not been exhausted.

6.14 The College Senior Tutor and / or Bursar will communicate their decision promptly and will set out the reasons for the decision.

6.15 If any of the individuals listed in section 2.2(2) and 2.3 above is dissatisfied with the decision of the Senior Tutor or Bursar in relation to a meeting or event they may refer the matter under the relevant complaints procedure set out in sections 5.6-5.7 above.

7. Monitoring and Review

7.1 Linacre College will periodically review the contents and operation of this Code of Practice and report on its operation to the Governing Body and Trustee Board and recommend amendments to it for consideration by the Trustee Board.



Annexe A: Conference of Colleges Freedom of Speech Complaints Procedure

Drafting note

This document sets out the procedure for a complaint (a Complaint) against a participating College (the “College”) for breaches of the College’s duties under freedom of speech legislation where another College procedure is not more appropriate.

While the final draft of this document is yet to be produced by the Conference of Colleges as we are awaiting feedback from the Office for Students, Linacre College Governing Body and the Trustee Board agreed, in principle, in Trinity Term 2024, that Linacre College will opt into this combined Complaints process. This document will be updated as and when further updates are published by the Conference of Colleges and brought back to the Governing Body and Trustee Board at any such junctures.

1 The Freedom of Speech Duties

- 1.1 The duties which are the subject of this Procedure are set out in section A1 of the Higher Education and Research Act 2017, as amended by the Higher Education Freedom of Speech Act 2023, the (“Act”), and are as follows:

A1 Duty to take steps to secure freedom of speech

- 1) The governing body of a registered higher education provider must take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective in subsection (2).
- 2) That objective is securing freedom of speech within the law for:
 - a) staff of the provider,
 - b) members of the provider,
 - c) students of the provider, and
 - d) visiting speakers.
- 3) The objective in subsection (2) includes securing that:
 - a) the use of any premises of the provider is not denied to any individual or body on grounds specified in subsection (4), and
 - b) the terms on which such premises are provided are not to any extent based on such grounds.
- 4) The grounds referred to in subsection (3)(a) and (b) are:
 - a) in relation to an individual, their ideas or opinions;
 - b) in relation to a body, its policy or objectives or the ideas or opinions of any of its members.



- 5) The objective in subsection (2), so far as relating to academic staff, includes securing their academic freedom.
- 6) In this Part, “academic freedom”, in relation to academic staff at a registered higher education provider, means their freedom within the law:
to question and test received wisdom, and
to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected in any of the ways described in subsection (7).
- 7) Those ways are:
loss of their jobs or privileges at the provider;
the likelihood of their securing promotion or different jobs at the provider being reduced.
- 8) The governing body of a registered higher education provider must take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective in subsection (9). That objective is securing that, where a person applies to become a member of academic staff of the provider, the person is not adversely affected in relation to the application because they have exercised their freedom within the law to do the things referred to in subsection (6)(a) and (b).
- 9) In order to achieve the objective in subsection (2), the governing body of a registered higher education provider must secure that, apart from in exceptional circumstances, use of its premises by any individual or body is not on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises.
- 10) In order to achieve the objective in subsection (2), the governing body of a registered higher education provider must secure that the provider does not enter into a non-disclosure agreement with a person referred to in that subsection in relation to a relevant complaint made to the provider by the person (and if such a non-disclosure agreement is entered into it is void).
- 11) (the “Freedom of Speech Duties”)

2 Who can complain under this procedure

2.1 Complaints may be brought under this procedure by one or more of the following:

- a) *Member of the College* a “member” includes the current Principal and any other College office-holder, current Fellow, current student, employee of the College and Continuing Member;
- b) *Student of the College* a “student” includes any person who is registered or enrolled at the College for a degree or diploma or otherwise, whether matriculated or not;
- c) *Offer-Holder of the College* an “offer-holder” is a person with a binding offer to become a student of the College;



- d) Applicants to become members of academic staff an “academic member of staff” is an employee of the College or employed jointly by the College and the University who is employed, or otherwise engaged, for the purpose of teaching or conducting research at the College or the University; and/or
 - e) Visiting Speakers a “Visiting Speaker” is a person who has been **invited to speak** at the College by a member, student or College employee acting in their capacity as a member, student or College employee (whether or not the event in fact took place).
- 2.2 Complaints may also be brought by a person who was formerly within one of the categories listed above, where their complaint relates to events which occurred while they had that status and which impacted them in that capacity.
- 2.3 The person or persons raising a complaint under this Procedure are referred to throughout as the “Complainant”.

3 Qualifying complaints

3.1 A Complaint will qualify to be considered under this Procedure if it:

- a) alleges that the Complainant has suffered adverse consequences as a result of action or inaction of the College;
- b) alleges that, or gives rise to a question as to whether, the action or inaction was a breach of one or more of the Freedom of Speech Duties; and
- c) should not more appropriately be considered under a different College Procedure (see section 4 below).

(a complaint which meets these criteria is referred to throughout as a “Complaint”).

4 Overlap with other College procedures

4.1 A Complaint that the College has breached its Freedom of Speech Duties may also fall under other College procedures, either because of an overlapping remit between procedures, or because the complaint includes some concerns which do fall within this Procedure and some which do not. This may be apparent at the outset of the complaint or may become apparent as the Procedure progresses. In such cases it will usually be appropriate for the matter to be referred for consideration under the other procedure. In particular, complaints which are/include:

- a) Staff grievances should usually be considered under the relevant College Grievance Procedure;



- b) Complaints by students or former students (as defined under the College's own Student Complaints Procedure) about the College's provision of services should usually be considered under the College's Student Complaints Procedure;
- c) Complaints about members of College staff which include allegations of harassment should usually be considered under the College's Policy and Procedure on Harassment;
- d) Complaints about misconduct in research should usually be considered under the [University's Code of Practice and Procedure on Academic Integrity in Research](#).

4.2 Where such a complaint is received, the College Complaints Officer will decide whether or not to refer the matter for consideration under the other procedure, having consulted with other members of staff responsible for running the relevant procedure(s) as appropriate.

4.3 In very exceptional circumstances, a decision may be made that a Complaint may be considered under this Procedure which does include concerns which would otherwise have fallen under another College procedure. This could be the case, for example, if the dominant allegation raised relates to freedom of speech issues and the other matters raised are relatively minor. The overriding principle in determining the correct procedure is that the College will deal with the matter as flexibly, fairly and proportionately as possible.

5 General

5.1 The College will appoint a "College Complaints Officer" who will be responsible for triaging a complaint and establishing if it will be dealt with by another College procedure or referred to this Procedure.

5.2 Complaints dealt with under this procedure shall be determined by an external "Decision-Maker" and only on the basis of the Complaint and any additional written representations. The Administration of this procedure will be dealt with by Conference of Colleges Secretariat OR refer to the relevant College Complaints Process for a Complaint.

5.3 All parties involved in a Complaint are required to act reasonably and fairly towards each other and to respect the Conference of Colleges Freedom of Speech Complaints Procedure.

5.4 All Complaints will be dealt with promptly. Any time-critical factors set out in the [Complaint Form] will be taken into account.

5.5 Time limits in this procedure should usually be met by all parties. Time limits may only be extended by the relevant decision-maker where it is necessary to do so in order to ensure a fair outcome (for example, where more time is needed because of a participant's illness or during the holidays).



5.6 Complaints will be dealt with confidentially by all parties involved. The College will need to share the information on a confidential basis, including with third parties, where: it is necessary to do so to ensure a fair investigation, in the course of a subsequent procedure involving the same subject matter and/or to perform our legal and other responsibilities. Data will be processed in accordance with the College's data privacy policies.

5.7 There is no right of complaint over matters of academic judgement.

5.8 Nobody who has a conflict of interest should be involved in decision-making under this procedure.

5.9 The Decision-Maker will be identified by the Conference Secretariat from a pool of external decision makers. If the Decision-Maker has a conflict of interest or is otherwise unable to consider a Complaint under this Procedure, the Secretariat of the Conference of Colleges will appoint a substitute.

6 Informal resolution

6.1 Before making a formal Complaint, the Complainant should consider taking steps to resolve the matter informally. This might include discussing the matter with College staff responsible for the matters which are the subject of the Complaint.

7 Submitting a Complaint

7.1 If informal resolution is not appropriate or has been unsuccessful, the Complainant may submit the Complaint for investigation by the Decision-Maker.

7.2 The Complainant should complete and submit a Complaint Form to Conference Secretariat by email to the email address designated by the Secretariat. **[Please note that these are due to be confirmed soon.]** Complainants making a joint Complaint must nominate one Complainant as their spokesperson in the Complaint Form.

7.3 Exceptionally, the Decision-Maker may consider a Complaint that is made in another format where it is fair to do so.

7.4 A Complaint should be made as soon as possible and at the latest within the same time-limit the Office for Students sets for complaints to their scheme of the conduct complained of.

7.5 The Conference of Colleges Secretariat will acknowledge receipt of the Complaint.

8 Interim measures

8.1 If the Decision-Maker considers it appropriate to reduce the risk of harm arising from the alleged breach they may impose appropriate interim measures pending determination of the Complaint under this procedure.



When deciding whether or not to impose an interim measure the Decision-Maker shall also take into account all relevant circumstances, including the impact of the measure on the College or any other person.

9 Investigation

9.1 The Decision-Maker will decline to consider the Complaint if in their sole discretion (and acting reasonably):

- a) if it is malicious, vexatious or frivolous;
- b) if it does not meet the requirements for a Complaint as set out at section 3 above; and/or
- c) if the person bringing the Complaint does not meet the definition of a Complainant under this procedure as set out at section 2 above.

9.2 The Decision-Maker will usually decline to consider the Complaint:

- a) if it is received beyond the timeframes set out above after the conduct complained of in the Complaint;
- b) where the matters in dispute are currently being considered or have been decided by an external body (such as the OIA or a court or tribunal);
- c) where the substantive issues have already been considered under another procedure (including, for example, the staff grievance procedure, a staff disciplinary procedure, the student complaint procedure, a student disciplinary procedure or the academic integrity in research procedure).

9.3 If a Complainant withdraws their Complaint at any time Decision-Maker may decide to continue the investigation if it is in their sole determination appropriate and fair to do so.

9.4 For all other Complaints, the Decision-Maker may take any steps the Decision-Maker considers necessary to investigate, including calling on any person to provide assistance.

9.5 The Secretariat of the Conference of Colleges will send details of the Complaint to anyone who is the subject of it and invite them to respond in writing.

10 Decision

10.1 The Decision-Maker shall record their decision, including any directions and/or recommendations they are making, and the reasons for it in writing and shall send a copy of the reasoned decision to the Complainant within **30 days** of receipt of the Complaint (the “Decision”).

10.2 The Decision will explain that the Complainant has the right to complain to the Office for Students using the following wording:



The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its website.

10.3 The Decision will also set out sources of support and advice where relevant (ie for students and staff).

10.4 Where the Complainant is not a student, the Decision shall be final.

10.5 Where the Complainant is a student, the Decision will explain that:

- a) The student has the options of (i) complaining directly to the OfS, or (ii) [include any relevant right of review or appeal under the College's Student Complaints Procedure] following which the matter may be remitted to the Decision-Maker for reconsideration.
- b) The conclusion of any such review or appeal process will be the end of the College's procedures and the decision will set out in a [Completion of Procedures letter] setting out the sources of advice and support and explaining that the student has the right either (i) to complain to the Office of Students (using the language at 10.2 above) or, in the alternative (ii) to seek a review by the Office for the Independent Adjudicator.

11 Promoting good practice

11.1 The Secretariat of the Conference of Colleges will keep a record of all Complaints received by all participating Colleges and prepare an annual report for submission to each College, in anonymised form, setting out:

- a) an overview of the Complaints received, their subject matter and how they were resolved; and
- b) any recommendations from the Decision-Maker arising from them to improve the Complaints procedure.